

REMARKS

The Applicant thanks the Examiner for the careful consideration of this application. Claims 1-13 are currently pending. Claims 1-8, 10, and 11 have been amended. Based on the foregoing amendments and the following remarks, the Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

IDS Reference

The Office Action returned the PTO/SB/08 submitted with Applicant's Information Disclosure Statement (IDS) of March 16, 2007 with a line through Cite No. BF (Italian Patent Application No. TO2002A000428), indicating that Cite No. BF had not been considered. The Examiner indicated "no English translation" on the PTO/SB/08.

The Applicant directs the Examiner's attention to the application as filed, at page 6, lines 5-11, where a concise explanation of the relevance of Cite No. BF is provided. Accordingly, the Applicant submits that Cite No. BF should have been considered pursuant to 37 C.F.R. §1.98(a)(3)(i).

In view of the foregoing, the Applicant requests that the Examiner consider Cite No. BF on the PTO/SB/08 submitted with the IDS of March 16, 2007, and return a signed and initialed copy of the PTO/SB/08 to Applicant indicating that Cite No. BF has been considered.

Objections to the Drawings

The Office Action objected to the drawings under 37 C.F.R. §1.83(a) for allegedly failing to show the “ink ribbon, placed between said second printing unit and said plain paper ribbon,” as recited by claim 3. Solely to further prosecution, this feature has been removed from claim 3. Accordingly, the Applicant submits that the objection is now moot.

Objections to the Claims

The Office Action objected to claims 1-10 for containing informalities. The claims have been amended, where applicable, to address the informalities indicated by the Office Action. In addition, the claims have been revised, where applicable, to place them in conformance with U.S. claim drafting practice. Accordingly, the Applicant requests that the objections to the claims be withdrawn.

Rejections under 35 U.S.C. § 112

The Office Action rejected claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite for reciting “that is to say.” Solely to further prosecution, claim 2 has been amended to remove the recitation of “that is to say,” thereby rendering this rejection moot.

Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1 and 2 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,543,946 to Hori et al. (“Hori”). The Applicant traverses this rejection.

Nevertheless, claim 1, the independent claim, has been amended incorporate the “control unit” of claim 4. The Office Action acknowledged in paragraph 9 that Hori fails to disclose the claimed “control unit.” Accordingly, the Applicant submits that claim 1, and its dependent claim 2, are patentable over Hori.

Rejections under 35 U.S.C. § 103(a)

(1) The Office Action rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Hori in view of U.S. Patent Application Publication No. 2003/0156877 to Tischer (“Tischer”). Claim 3 depends from claim 1, which, as demonstrated above, is patentable over Hori. Tischer does not remedy the deficiencies of Hori. Accordingly, claim 3 is patentable over Hori in combination with Tischer.

(2) The Office Action rejected claims 4-9 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Hori in view of JP 9-226184 to Koshimizu (“Koshimizu”). Claim 11 is the independent claim. Independent claim 1 has been amended to incorporate the “control unit” of claim 4, and accordingly will also be discussed with respect to this rejection.

Solely to further prosecution, claim 1 has been amended to recite “a control unit connected to said first ink jet printing unit and said second thermal printing unit, the control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data,” as recited by claim 1. No reasonable combination of Hori and Koshimizu discloses or renders obvious this recitation of claim 1.

First, no combination of Hori and Koshimizu discloses a “first ink jet printing unit to print . . . constant data” and a “second thermal printing unit to print . . . variable data.” The Office Action aligns the second printing section 120 and first printing section 110 of Hori’s FIG. 1 with the claimed “first ink jet printing unit” and “second thermal printing unit,” respectively. However, *nowhere* does Hori disclose that the second printing section 120 prints *constant data*, and the first printing section 110 prints *variable data*, as claimed. Instead, Hori discloses that the first printing section 110 prints in one color, such as black, while the second printing section 120 prints in another color, such as magenta. (See Hori at col. 4, ll. 25-53.) Therefore, Hori does not disclose a “first ink jet printing unit to print . . . constant data” and a “second thermal printing unit to print . . . variable data,” as claimed. Koshimizu fails to provide the missing disclosure.

Second, no combination of Hori and Koshimizu discloses a “control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data,” as recited by claim 1. The Office Action acknowledges that Hori fails to disclose the claimed “control unit.” Instead, the Office Action aligns the CPU of Koshimizu with the claimed “control unit.”

Koshimizu’s CPU does not cause, *for each receipt*, a first ink jet printing unit to print constant data, and a second thermal print unit to print variable data, as claimed. Instead, Koshimizu’s CPU instructs a *single* printer to print information input from a keyboard onto a receipt, and then subsequently instructs the single printer to print logo information on the header portion of a *subsequent* receipt. (See Koshimizu at ¶¶ 0020-0022.) Therefore, neither Hori nor

Koshimizu discloses a “control unit adapted to cause, for each receipt, said first ink jet printing unit to print on said paper ribbon said constant data, and to cause said second thermal printing unit to print on said paper ribbon said variable data,” as recited by claim 1.

Claim 1 is patentable over Hori and Koshimizu for at least the foregoing reasons. Claims 4-9 depend from claim 1, and are patentable for at least the same reasons. Method claim 11 has been amended in an analogous manner to claim 1, and is patentable for at least the same reasons.

(3) The Office Action rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Hori in view of Koshimizu, and further in view of U.S. Patent No. 6,789,969 to Hirabayashi et al. (“Hirabayashi”). Claim 10 depends indirectly from claim 1, which, as demonstrated above, is patentable over Hori in view of Koshimizu. Hirabayashi fails to remedy the deficiencies of Hori and Koshimizu. Accordingly, the Applicant submits that claim 10 is patentable over Hori, Koshimizu, and Hirabayashi.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Applicant: Gianrico Scarton
Application No.: 10/579,853

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

Date: November 5, 2009

/Steven J. Schwarz/
Steven J. Schwarz
Registration No. 47,070
VENABLE LLP
P.O. Box 34385
Washington, DC 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

#1071952